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JAN 29 2013

U. S. DISTRICT COURT
MID. DIST. TENN.

IN THE UNITED STATES DISTRICT COURT
FOR THE 22+17 DISTRICT OF TENNESSEE
_____ DIVISION

Tim Gilbert Name

Prison Id. No. 00310483

_____ Name

Prison Id. No. _____

Plaintiff(s)

v.

Therri Beth Rich Name

Edward Bervard Name

Defendant(s)

(List the names of all the plaintiffs
filing this lawsuit. Do not use "et
al." Attach additional sheets if
necessary.)

Civil Action No. _____
(To be assigned by the Clerk's
office. Do not write in this space.)

Jury Trial ☐ Yes ☐ No

(List the names of all defendants
against whom you are filing this
lawsuit. Do not use "et al." Attach
additional sheets if necessary.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
FILED PURSUANT TO 42 U.S.C. § 1983

I. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

- A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuits in the United States District Court for the Middle District of Tennessee, or in any other federal or state court?

☒ Yes ☐ No

- B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs Tim Gilbert

Defendants Enite-197, Fayetteville, TN 38478

2. In what court did you file the previous lawsuit? Lincoln County
Fayetteville, TN 37334
(If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)
3. What was the case number of the previous lawsuit? not known
4. What was the Judge's name to whom the case was assigned? not known
5. When did you file the previous lawsuit? 2004 (Provide the year, if you do not know the exact date.)
6. What was the result of the previous lawsuit? For example, was the case dismissed, appealed, or still pending? it was settled in court
7. When was the previous lawsuit decided by the court? 2008 (Provide the year, if you do not know the exact date.)
8. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit.
- ☐ Yes ☒ No

(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)

II. THE PLAINTIFF'S CURRENT PLACE OF CONFINEMENT (The following information must be provided by each plaintiff.)

- A. What is the name and address of the prison or jail in which you are currently incarcerated? Marshall Co Jail, 150 E. Church St
Lewistown TN 37091
- B. Are the facts of your lawsuit related to your present confinement?
- ☒ Yes ☐ No
- C. If you checked the box marked "No" in question II.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain.
- _____
- D. Do the facts of your lawsuit relate to your confinement in a Tennessee State Prison?
- ☐ Yes ☒ No

E. If you checked the box marked "Yes" in question II.D above, have you presented these facts to the prison authorities through the state grievance procedure?

☐ Yes ☒ No

F. If you checked the box marked "Yes" in question II.E above:

1. What steps did you take? _____

2. What was the response of prison authorities? _____

G. If you checked the box marked "No" in question II.E above, explain why not. _____

H. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)?

☒ Yes ☐ No

I. If you checked the box marked "Yes" in question II.H above, have you presented these facts to the authorities who operate the detention facility?

☐ Yes ☐ No

J. If you checked the box marked "Yes" in question II.I above:

1. What steps did you take? I told them the court & county Jail that I am in Jail for no reason and I had papers to prove it

2. What was the response of the authorities who run the detention facility? They didn't know what I could do about it except write the Court

L. If you checked the box marked "No" in question II.I above, explain why not. _____

Attach copies of all grievance related materials including, at a minimum, a copy of the grievance you filed on each issue raised in this complaint, the prison's or jail's response to that grievance, and the result of any appeal you took from an initial denial of your grievance.

III. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: Tim Gilbert

Prison Id. No. of the first plaintiff: 003/0483 Tom's TDoc #

Address of the first plaintiff: Tim Gilbert 150 E. Church St
Lewisburg, TN 37091

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

2. Name of second the plaintiff: _____

Prison Id. No. of the second plaintiff: _____

Address of the second plaintiff: _____

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: Theri Beth Rich

Place of employment of the first defendant: LAW OFFICE PROFESSIONAL
BLDG

The first defendant's address: 1ST AVE PROFESSIONAL BLDG
P.O. Box 1995 Lewisburg TN

Named in official capacity? ☒ Yes ☐ No

Named in individual capacity? ☐ Yes ☐ No

2. Name of the second defendant: Edward Bennett

Place of employment of the second defendant: MARSHALL C.O. COURT

The second defendant's address: 302 Marshall Co Court House

Named in official capacity? ☒ Yes ☐ No

Named in individual capacity? ☐ Yes ☐ No

If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, their place of employment, their address, and the capacity in which you are suing them. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide their proper name, place of employment, and address, the Clerk will be unable to serve them should process issue.

Defendant's page

Marshall Co. D.A. Office
and Investigator Crystal Bragg and Edward Brannon
302 Marshall Co. Courthouse
Lewistown, TN 37091

Beverly White

Coles County D.A.
P.O. Box 678
Pulaski, TN 38478

Pulaski Police Dept
203 S. 1st street
Pulaski, TN 38478

Shane Dougherty

17th Judicial Drug and Violent Crime Unit
302 Marshall County Courthouse
Lewistown, TN 37091

Marshall County Jail
150 E. Church street
Lewistown, TN 37091

Defendants Page

Eleanor B. Taster

Circuit Court Clerk

302 Marshall County Courthouse

Lewisburg, Tenn 37091

Giles County D.A. Office Beverly White

Beverly White and D.A. Office knew that I was never convicted of H.M.O., and that they had intentionally put that on my record it was on the warrant and I was arrested and locked up for their mistake and their investigation into McDonald went through my record and testified against me. So how did he miss that I was never convicted. But I was arrested and put in jail only to find out I never had H.M.O. conviction and it was dismissed in court but that was their mistake.

Marshall Co. Jail + Felicia McGee

I lost my trial Sept 26, 2011, I was taken into Custody to Marshall Co. Jail. I am disabled for a back injury. I was supposed to walk with a cane, I was taken to the nurse Felicia McGee and was told I could not have any of my medication, Morphine, Lorazepam, Xanax, Nitro glycerin pill. I was told that I knew I was in that condition when I came to jail. I was told by her that if I went to the doctor I had to pay. I had no money and no insurance, I asked a number of times, I couldn't have my medicines sent back to my dad. They even took my 2nd mattress.

Mandell Co D.A. office

D.A. Edward Brennaed - presented a warrant in Court that showed, I had started going to court on H.M.O. charges, but he didn't get the one that showed I was never committed. He had investigator Crystal Braz and Mike Michonaki to investigate me and testify, Edward Brennaed brought false charges in court against me that I was never charged with. His investigator lied in court and if he had done this job they would have found I was never committed of H.M.O.. Most of the charges were false, and they carried fines not jail time, but I was never charged with them. I was never given a chance to pay anything. My license were reinstated and I was never committed of H.M.O., I want the failure to appear and H.M.O. off my record.

Pulaski Police Dept

They are always harassing me and arresting for drugs that they never find. They have no evidence against me. This has happen a number of times only to be dismissed in court for no evidence. I cost me money being arrested for no reason only to have the charges dismissed. It also very embarrassing.

IV

Eleanor B. Foster I notified her at the clerk's office via mail to try to get back in court. I notified her a number of occasions that I had my papers where I was not convicted of H.M.S. She refused me and said I could not write and request this. A number of inmates wrote her and got back into court. I even had my mother to call her and notify her only to be turned down.

Marshall Co. Jail and Felicia Mcgee

after they saw it to me. He refused me medical attention and wouldn't take me to the doctor unless I could pay. I am a inmate and didn't have any money. I need medical attention. I walk with a cane and they took it from me.

Shane Daugherty

17th Judicial Task Force and Violent Crime unit

Shane Daugherty - pulled me over him and his partner and said I was smoking a blunt a marijuana cigarette and that I was speeding. I was smoking a cigar only. They seen me smoking the cigar when they told me to get out of the car. I didn't give them permission to search the car. He searched it anyway for drugs but found nothing. Then I was told I was H.M.O. I was charged with H.M.O., I was not charged speeding, following to close or criminal impersonation when I didn't take the plea. I was charged with all that it's set on the warrant it was about a drug bust, and the he testified to false charges that I didn't do.

IV. STATEMENT OF FACTS

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 1/2 in. x 11 in. paper. Write on one side only, and leave a 1 in. margin on all four sides.

Sept, 21, 22, 23
2011

Jehri Beth Rich - For False representation and not gathering information properly on my behalf, I explained to her that I was not H.M.O. That I had my license and the video was about drugs, that the task force didn't find. I told her on Sept 23 in her office and months before, she wouldn't try to gather evidence to clear me. On July 8, 2011 she told me if I had one trial that if I lost my trial the charges would run concurrent, I agreed the charges ran consecutive. I told her 3 months before that I was never charged H.M.O. and that I was never charged with speeding, following to close on Criminal investigation or given a chance to pay fines, I told her I had a copy of the warrant that I was never convicted. I had my people to contact her Jan 16, 17, 18 2012, when I got a copy of the warrant after being cleared in Giles Co, she said since I dropped my appeal then there was nothing she could do. But she had all the information before and refused to do anything. I asked her on Sept 21, before my trial for a copy of the video she refused. She sent my witness my son away from the trial. I continued to tell her that I had never been convicted of H.M.O. or charged with most of the charges that were now charging me with, she refused to help me.

V. RELIEF REQUESTED: Specify what relief you are requesting against each defendant.

- A. Jehri Beth Rich - be reprimanded and \$150,000
- B. Marshall C.O. Jail and Felicia Meace 100,000
- C. Giles C.O. D.A office and Circuit Co 125,000
- D. Shane Daugherty + 17 Judicial task Force, Violent Crime unit 100,000
- E. Marshall C.O. Da office and Edward Brown 560,000

VI. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: Tim Ballat Date: 3-3-2012

Prison Id. No. 00310483

Address: 150 E. Church St. Lewisburg, TN 37091

(Include the city, state and zip code.)

Signature: _____ Date: _____

Prison Id. No. _____

Address: _____

(Include the city, state and zip code.)

ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT, and provide the information listed above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN FORMA PAUPERIS, if not paying the civil filing fee.

SUBMIT THE COMPLAINT, THE REQUIRED FILING FEE, OR APPLICATION TO PROCEED IN FORMA PAUPERIS, TOGETHER. Complaints received without the required filing fee or application to proceed *in forma pauperis* will be returned. Filing fees, or applications to proceed *in forma pauperis*, received without a complaint will be returned.